3-2

K. L. Nicol Report

April 23, 1964

MEMORANDUM FOR THE RECORD

FROM: Melvin A. Eisenberg

SUBJECT: Testimony of Joseph Nicol

In my preliminary conversations with Mr. Nicol, he indicated that he was willing to come to Washington to make his examination of the evidence. I accepted this offer and he arrived in Washington on Monday night, March 23, 1964. It turned out that the closest available facilities that he could use were in Philadelphia. Use of the FBI facilities seemed inappropriate (and permission would almost certainly have been denied), and the District Police Force had no available facilities, as most of their firearms identification is done by the Bureau. When Mr. Nicol arrived in Washington the Bureau had completed its work on the rifle bullet and cartridge cases, but was not ready to release the Tippit bullet and cartridge cases. Philadelphia had no facilities for recovering a fired rifle bullet. In addition, Frazier had told me that about 30 rounds had been fired in the rifle, and that in his opinion a test bullet at this point would not be worth too much for comparing against the assassination bullets. From my knowledge of the field this seemed reasonable, and Nicol concurred. Moreover, the Defense Department's ballistics laboratory at Aberdeen Proving Grounds had agreed to perform certain tests with the rifle which promised to develop information beyond the capabilities of either the Bureau or Mr. Nicol. This laboratory was scheduled to (and did) pick the rifle on Wednesday, March 25, 1964.

For all these reasons, Nicol and I agreed that he use the FBI's test rifle bullets and cartridge cases rather than firing new test cartridges.

Nicol returned from Philadelphia on Thursday afternoon, March 26. He reported that the Philadelphia facilities left something to be desired, particularly as to the lighting needed for microphotographs. He was also understandably anxious to return home. In the course of our conversation several questions came up concerning which